

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUN 09 2009 ★

BROOKLYN OFFICE

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CHAREESE KHAMIS, Individually and as Mother and Natural
Guardian of ANGELINA KHAMIS and TAYLOR BONITO,
infants under the age of eighteen years,

Plaintiffs,

-against-

THE CITY OF NEW YORK, DETECTIVE RAYMOND
WITTICK, Shield No. 710, Tax ID No. 905308, Individually
and in his Official Capacity and P.O.'s "JOHN DOE" #1-10,
Individually and in their Official Capacity (the name John Doe
being fictitious, as the true names are presently unknown),

Defendants.
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**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

08-CV-4029 (JBW)(VVP)

WHEREAS, plaintiffs CHAREESE KHAMIS, ANGELINA KHAMIS, and TAYLOR
BONITO commenced an action entitled Chareese Khamis, et al. v. City of New York, et al., 08-CV-
4029 (JBW)(VVP), on October 2, 2008, by filing a complaint in the United District Court for the
Eastern District of New York, alleging, *inter alia*, violations of their civil rights pursuant to 42 USC §
1983; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs'
allegations; and

WHEREAS, the parties now desire to resolve the issues raised in their litigation,
without further proceedings and without admitting any fault or liability;

WHEREAS, plaintiff CHAREESE KHAMIS, for herself and for her plaintiff infant
daughter, ANGELINA KHAMIS, and plaintiff infant son, TAYLOR BONITO, has authorized counsel
to settle this matter on the terms enumerated below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
between the undersigned, as follows:



1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York, on behalf of defendants City of New York and Detective Raymond Wittick, hereby agree to pay plaintiffs the total sum of **FIFTEEN THOUSAND (\$15,000.00) DOLLARS** in full satisfaction of all claims, including claims for costs, expenses and attorney fees.

3. In consideration for the payment of this sum, plaintiffs agree to the dismissal of all the claims against the defendants City of New York and Detective Raymond Wittick in this action, and to release defendants and any present or former employees or agents of the New York City Police Department and the City of New York, and their successors or assigns, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

4. Settlement of the claims of the infant plaintiffs ANGELINA KHAMIS AND TAYLOR BONITO are conditioned on compliance with the provisions set forth in Rule 83.2(a) of the Local Civil Rules of this Court ("Settlement of Actions by or on Behalf of Infants or Incompetents, Wrongful Death Actions, and Conscious Pain and Suffering Actions"), and Rule 1207, et seq., of the Civil Practice Laws and Rules for the State of New York.

5. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit Concerning Liens.

6. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and

settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations

7. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

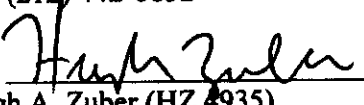
8. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
May 26, 2009

COHEN & FITCH
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By: 
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Assistant Corporation Counsel

SO ORDERED:


HON. JACK B. WEINSTEIN, U. S. D. J

6/3/09